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UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

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POCATELLO DENTAL GROUP, P.C., an)
Idaho professional corporation,)

Plaintiff,)

vs.)

INTERDENT SERVICE CORPORATION,))
a Washington corporation,)

Defendant.)

INTERDENT SERVICE CORPORATION,))
a Washington corporation,)

Counterclaimant,)

vs.)

POCATELLO DENTAL Group, P.C., an)
Idaho professional corporation; DWIGHT)
G. ROMRIELL, individually; LARRY R.)
MISNER, JR., individually; PORTER)

Case No.: CV-03-450-E-LMB

PORTER SUTTON'S RULE 12(b)(6)
MOTION TO DISMISS INTERDENT
SERVICE CORPORATION'S
COUNTERCLAIM

SUTTON, individually; ERNEST)
SUTTON, individually; GREGORY)
ROMRIELL, individually; ERROL)
ORMOND, individually; and ARNOLD)
GOODLIFFE, individually,)

Counterdefendants.)

LARRY R. MISNER, JR, individually,)

Counterclaimant,)

vs.)

INTERDENT SERVICE CORPORATION,)
a Washington corporation,)

Counterdefendant.)

LARRY R. MISNER, JR., individually,)

Crossclaimant,)

vs.)

POCATELLO DENTAL GROUP, P.C., an)
Idaho professional corporation,)


Crossdefendant.)

Pursuant to Federal Rules of Civil Procedure, Rules 9(b) and 12(b)(6), Counterdefendant Porter Sutton ("Sutton") through his counsel of record moves this Court to dismiss Counterclaimant Interdent Service Corporation's ("ISC") Counterclaim against him stated in ISC's Sixth and Seventh Claims for Relief in ISC's Counterclaim with prejudice for the reasons given in Sutton's accompanying Memorandum in Support of Porter Sutton's Rule 12(b)(6) Motion to Dismiss Interdent Service Corporation's Counterclaim.

DATED this 4th day of March, 2004.

RACINE, OLSON, NYE, BUDGE
& BAILEY, CHARTERED

By


Richard A. Hearn

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of March, 2004, I served a true and correct copy of the above and foregoing document to the following person(s) as follows:

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